

**IC 22-15-6 Chapter 6. Regulated Boilers and Pressure Vessels; Boiler and Pressure Vessel Inspectors**

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**IC 22-15-6-0.5 Chapter application**

Sec. 0.5. This chapter applies to a regulated boiler and pressure vessel as set forth in rules adopted by the commission under IC 4-22-2.

*As added by P.L.141-2003, SEC.16. Amended by P.L.171-2019, SEC.6; P.L.249-2019, SEC.32.*

**IC 22-15-6-1 IC 22-15-6-2 through IC 22-15-6-3 not applicable to certain boilers and pressure vessels**

Sec. 1. Sections 2 through 3 of this chapter do not apply to any regulated boiler or pressure vessel exempted by a rule adopted by the commission under IC 4-22-2.

*As added by P.L.245-1987, SEC.4. Amended by P.L.141-2003, SEC.17; P.L.171-2019, SEC.7; P.L.249-2019, SEC.33.*

**IC 22-15-6-2 Inspection program; operating permit; qualification of applicants; rules**

*Note: This version of section amended by P.L.171-2019, SEC.8. See also following version of this section amended by P.L.249-2019, SEC.34.*

Sec. 2. (a) The division may conduct a program of inspections of regulated boilers and pressure vessels.

(b) The division shall do the following:

- (1) Issue a regulated boiler and pressure vessel operating permit to an applicant who qualifies under this section.
- (2) Perform an operating permit inspection of a boiler or pressure vessel owned by the state.
- (3) Conduct a program to audit boiler and pressure vessel inspectors licensed under section 5 of this chapter.
- (4) Conduct a program to audit inspections completed by a boiler and pressure vessel inspector licensed under section 5 of this chapter.

(c) Except as provided in subsection (e), an operating permit issued under this section expires one (1) year after it is issued.

(d) To qualify for an operating permit or to renew an operating permit under this section, an applicant must do the following:

- (1) Apply for an operating permit on a form approved by the division.
- (2) Demonstrate through an inspection, performed by an inspector licensed under section 5 of this chapter, that the regulated boiler or pressure vessel covered by the application complies with the rules adopted by the commission.
- (3) Submit a report of the inspection conducted under subdivision (2) to the division.

- (4) Pay the fee set under IC 22-12-6-6(a)(8).
- (e) The commission may, by rule adopted under IC 4-22-2, specify:
  - (1) a period between inspections of more than one (1) year; and
  - (2) an expiration date for an operating permit longer than one (1) year from the date of issuance.

However, the commission may not set an inspection period of greater than five (5) years or issue an operating permit valid for a period of more than five (5) years for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

(f) For any inspection conducted by the division under this section, the division may designate an inspector licensed under section 5 of this chapter to act as the division's agent for purposes of the inspection.

(g) The commission may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this chapter. An emergency rule adopted under this subsection expires on the earliest of the following dates:

- (1) The expiration date stated in the emergency rule.
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.
- (3) July 1, 2021.

*As added by P.L.245-1987, SEC.4. Amended by P.L.136-1990, SEC.3; P.L.119-2002, SEC.29; P.L.141-2003, SEC.18; P.L.1-2006, SEC.397; P.L.68-2009, SEC.5; P.L.86-2015, SEC.6; P.L.171-2019, SEC.8.*

#### **IC 22-15-6-2                      Inspection program; operating permit; qualification of applicants; rules**

*Note: This version of section amended by P.L.249-2019, SEC.34. See also preceding version of this section amended by P.L.171-2019, SEC.8.*

Sec. 2. (a) The division shall conduct a program of periodic inspections of regulated boilers and pressure vessels.

(b) The division or a boiler and pressure vessel inspector acting under section 4 of this chapter shall issue a regulated boiler and pressure vessel operating permit to an applicant who qualifies under this section.

(c) Except as provided in subsection (f), a permit issued under this section expires one (1) year after it is issued. The permit terminates if it was issued by an insurance company acting under section 4 of this chapter and the applicant ceases to insure the boiler or pressure vessel covered by the permit against loss by explosion with an insurance company authorized to do business in Indiana.

(d) To qualify for a permit or to renew a permit under this section, an applicant must do the following:

- (1) Demonstrate through an inspection that the regulated boiler or pressure vessel covered by the application complies with the rules adopted by the commission.
- (2) Pay the fee set under IC 22-12-6-6(a)(8).
- (e) An inspection under subsection (d)(1) shall be conducted as follows:
  - (1) An inspection for an initial permit shall be conducted by:
    - (A) the division; or
    - (B) an owner or user inspection agency.
  - (2) An inspection for a renewal permit shall be conducted by one (1) of the following:
    - (A) An insurance company inspection agency, if the vessel is insured under a boiler and pressure vessel insurance policy and the renewal inspection is not conducted by an owner or user inspection agency.
    - (B) An owner or user inspection agency.
    - (C) The division, if:
      - (i) the owner or user of a vessel is not licensed as an owner or user inspection agency and the vessel is not insured under a boiler and pressure vessel insurance

policy; or

(ii) the regulated boiler or pressure vessel operating permit has lapsed.

(f) The commission may, by rule adopted under IC 4-22-2, specify a period between inspections of more than one (1) year. However, the commission may not set an inspection period of greater than five (5) years for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

(g) For any inspection conducted by the division under this section, the division may designate:

(1) a third party inspector that satisfies the requirements of section 5 of this chapter; or

(2) an inspection agency that satisfies the requirements of section 6 of this chapter;

to act as the division's agent for purposes of the inspection.

*As added by P.L.245-1987, SEC.4. Amended by P.L.136-1990, SEC.3; P.L.119-2002, SEC.29; P.L.141-2003, SEC.18; P.L.1-2006, SEC.397; P.L.68-2009, SEC.5; P.L.86-2015, SEC.6; P.L.249-2019, SEC.34.*

### **IC 22-15-6-3                    Operation without a permit; offense; application of section**

Sec. 3. (a) This section does not apply to a person who uses a regulated boiler or pressure vessel unless the person has authority to:

(1) construct, repair, or maintain the regulated boiler or pressure vessel; or

(2) place the regulated boiler or pressure vessel out of service.

(b) This section applies to the following:

(1) Each person who operates a regulated boiler or pressure vessel.

(2) Each person who controls the operation of a regulated boiler or pressure vessel.

(3) Each person who controls the place where the regulated boiler or pressure vessel is operated.

(c) A person described in subsection (b) commits a Class C infraction if:

(1) a regulated boiler or pressure vessel is operated; and

(2) no regulated boiler and pressure vessel permit issued under this chapter covers the operation.

*As added by P.L.245-1987, SEC.4.*

### **IC 22-15-6-4                    "Inspection agency"; authority of licensed inspector; reports; violations; notice; disciplinary action**

*Note: This version of section amended by P.L.249-2019, SEC.35. See also following repeal of this section by P.L.171-2019, SEC.9, effective 7-1-2019.*

Sec. 4. (a) As used in this chapter, "inspection agency" means:

(1) an insurance company inspection agency; or

(2) an owner or user inspection agency licensed under section 6 of this chapter.

(b) A boiler and pressure vessel inspector licensed under section 5 of this chapter and employed by an inspection agency may perform any of the following:

(1) An inspection required by section 2 of this chapter.

(2) The issuance of a permit under section 2 of this chapter.

(3) The issuance of an appropriate order under IC 22-12-7 when an equipment law has been violated.

(c) The authority of an inspector acting under this chapter is limited to enforcement related to regulated boilers or pressure vessels insured, owned, or operated by the inspection agency employing the inspector.

(d) Unless an annual report is substituted under subsection (e), an inspection agency shall, within thirty (30) days after the completion of an inspection, submit to the office the report required by the commission. In addition to any other information required by the commission, the inspector conducting the inspection shall cite on the report any violation of the equipment law applicable to the regulated boiler or pressure vessel.

(e) In the case of boilers or pressure vessels inspected by an owner or user inspection

agency, an annual report filed on or before the annual date as the commission may prescribe for each report may be substituted. An annual report of an owner or user inspection agency must list, by number and abbreviated description necessary for identification, each boiler and pressure vessel inspected during the covered period, the date of the last inspection of each unit, and for each pressure vessel the approximate date for its next inspection under the rules of the commission. Each annual report of an owner or user inspection must also contain the certificate of a professional engineer registered under IC 25-31 and having supervision over the inspections reported, swearing or affirming under penalty of perjury that each inspection was conducted in conformity with the equipment laws.

(f) An owner or user inspection agency shall pay the fee set under IC 22-12-6 with a report under subsection (e).

(g) In addition to the reports required by subsections (d) and (e), an owner, a user, or an inspection agency shall immediately notify the division when an incident occurs to render a boiler or pressure vessel inoperative.

(h) An inspection agency, an owner, or a user that violates this section is subject to a disciplinary action under IC 22-12-7.

*As added by P.L.245-1987, SEC.4. Amended by P.L.141-2003, SEC.19; P.L.1-2006, SEC.398; P.L.218-2014, SEC.16; P.L.249-2019, SEC.35.*

#### **IC 22-15-6-4                      Repealed**

*Note: This version of section repealed by P.L.171-2019, SEC.9, effective 7-1-2019. See also preceding version of this section amended by P.L.249-2019, SEC.35.*

*As added by P.L.245-1987, SEC.4. Amended by P.L.141-2003, SEC.19; P.L.1-2006, SEC.398; P.L.218-2014, SEC.16; P.L.249-2019, SEC.35. Repealed by P.L.171-2019, SEC.9.*

#### **IC 22-15-6-5                      Inspector license; qualification of applicants; examination; exemption; sanctions**

*Note: This version of section amended by P.L.171-2019, SEC.10. See also following version of this section amended by P.L.249-2019, SEC.36.*

Sec. 5. (a) The division shall issue a boiler and pressure vessel inspector license to an applicant who qualifies under this section.

(b) To qualify for a license under this section an applicant must:

- (1) meet the qualifications set by the commission in its rules;
- (2) pass an examination approved by the commission and conducted, supervised, and graded as prescribed by the commission; and
- (3) pay the fee set under IC 22-12-6-6(a)(9).

(c) The commission may exempt an applicant from any part of the examination required by subsection (b) if the applicant has:

- (1) a boiler and pressure vessel inspector's license issued by another state with qualifications substantially equal to the qualifications for a license under this section; or
- (2) a commission as a boiler and pressure vessel inspector issued by the National Board of Boiler and Pressure Vessel Inspectors.

(d) The commission may sanction a boiler and pressure vessel inspector under IC 22-12-7 if the boiler and pressure vessel inspector violates this chapter or rules adopted by the commission.

*As added by P.L.245-1987, SEC.4. Amended by P.L.119-2002, SEC.30; P.L.1-2006, SEC.399; P.L.171-2019, SEC.10.*

#### **IC 22-15-6-5                      Inspector license; qualification of applicants; examination; exemption**

*Note: This version of section amended by P.L.249-2019, SEC.36. See also preceding version of this section amended by P.L.171-2019, SEC.10.*

Sec. 5. (a) The division shall issue a boiler and pressure vessel inspector license to an applicant who qualifies under this section.

(b) To qualify for a license under this section an applicant must:

- (1) meet the qualifications set by the commission in its rules;
- (2) pass an examination approved by the commission and conducted, supervised, and graded as prescribed by the commission; and
- (3) pay the fee set under IC 22-12-6-6(a)(9).

(c) The commission may exempt an applicant from any part of the examination required by subsection (b) if the applicant has:

- (1) a boiler and pressure vessel inspector's license issued by another state with qualifications substantially equal to the qualifications for a license under this section; or
- (2) a commission as a boiler and pressure vessel inspector issued by the National Board of Boiler and Pressure Vessel Inspectors.

*As added by P.L.245-1987, SEC.4. Amended by P.L.119-2002, SEC.30; P.L.1-2006, SEC.399; P.L.249-2019, SEC.36.*

**IC 22-15-6-6                      Owner or user inspection agency; license; qualifications; required information; violations**

*Note: This version of section amended by P.L.249-2019, SEC.37. See also following repeal of this section by P.L.171-2019, SEC.11, effective 7-1-2019.*

Sec. 6. (a) The division shall issue a license to act as an owner or user boiler and pressure vessel inspection agency to an applicant who qualifies under this section.

(b) A license issued under this section expires if the bond required by subsection (c)(3) becomes invalid.

(c) To qualify for a license under this section an applicant must:

- (1) submit the name and address of the applicant;
- (2) submit proof that inspections will be supervised by one (1) or more professional engineers licensed under IC 25-31 and regularly employed by the applicant;
- (3) provide a surety bond issued by a surety qualified to do business in Indiana for one hundred thousand dollars (\$100,000), made payable to the division and conditioned upon compliance with the equipment laws applicable to inspections and the true accounting for all funds due to the division; and
- (4) pay the fee set under IC 22-12-6-6(a)(9).

(d) An owner or user boiler and pressure vessel inspection agency licensee under this section shall maintain with the division the most current name and address of the licensee and the name of the professional engineer supervising the licensee's inspections and notify the division of any changes within thirty (30) days after the change occurs. An inspection agency that violates this subsection is subject to a disciplinary action under IC 22-12-7.

(e) The commission may establish standards for the operation of inspection agencies.

(f) An inspection agency that violates this section is subject to a disciplinary action under IC 22-12-7.

*As added by P.L.245-1987, SEC.4. Amended by P.L.119-2002, SEC.31; P.L.141-2003, SEC.20; P.L.1-2006, SEC.400; P.L.249-2019, SEC.37.*

**IC 22-15-6-6                      Repealed**

*Note: This version of section repealed by P.L.171-2019, SEC.11, effective 7-1-2019. See also preceding version of this section amended by P.L.249-2019, SEC.37.*

*As added by P.L.245-1987, SEC.4. Amended by P.L.119-2002, SEC.31; P.L.141-2003, SEC.20; P.L.1-2006, SEC.400; P.L.249-2019, SEC.37. Repealed by P.L.171-2019, SEC.11.*